



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2010 REGULAR SESSION

HOUSE BILL NO. 447

AS ENACTED

THURSDAY, APRIL 1, 2010

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Allen

AN ACT relating to private, parochial, and church schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 ➔ Section 1. KRS 160.151 is amended to read as follows:

2 (1) (a) ~~[Beginning with the 2002-2003 school year,]~~ A private, parochial, or church
3 school that has voluntarily been certified by the Kentucky Board of Education
4 in accordance with the provisions of KRS 156.160(3) may require a national
5 and state criminal background check on all new certified hires in the school
6 and student teachers assigned to the school **and may require a new national**
7 **and state criminal background check on each certified teacher once every**
8 **five (5) years of employment.** Certified individuals who were employed in
9 another certified position in a Kentucky school within six (6) months of the
10 date of the hire and who had previously submitted to a national and state
11 criminal background check for previous employment may be excluded from
12 **the initial**~~[further]~~ national or state criminal background checks.

13 (b) The national criminal history background check shall be conducted by the
14 Federal Bureau of Investigation. The state criminal history background check
15 shall be conducted by the Department of Kentucky State Police or the
16 Administrative Office of the Courts.

17 (c) All fingerprints requested under this section shall be on an applicant
18 fingerprint card provided by the Department of Kentucky State Police. The
19 fingerprint cards shall be forwarded to the Federal Bureau of Investigation by
20 the Department of Kentucky State Police after a state criminal background
21 check has been conducted. Any fee charged by the Department of Kentucky
22 State Police, the Administrative Office of the Courts, or the Federal Bureau of
23 Investigation shall be an amount no greater than the actual cost of processing
24 the request and conducting the search.

25 (2) If a school requires a criminal background check for a new hire, the school shall

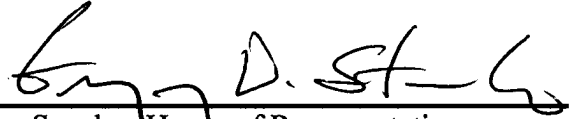
1 conspicuously include the following disclosure statement on each application or
2 renewal form provided by the employer to an applicant for a certified position:
3 "STATE LAW AUTHORIZES THIS SCHOOL TO REQUIRE A CRIMINAL
4 HISTORY BACKGROUND CHECK AS A CONDITION OF EMPLOYMENT
5 FOR THIS TYPE OF POSITION."

6 (a) For purposes of this subsection, "contractor" means an adult who is permitted
7 access to school grounds pursuant to a current or prospective contractual
8 agreement with the school, school board, school district, or school-affiliated
9 entity, at times when students are present. The term "contractor" includes an
10 employee of a contractor.

11 (b) The school or school board may require a contractor, volunteer, or visitor to
12 submit to a national criminal history check by the Federal Bureau of
13 Investigation and state criminal history background check by the Department
14 of Kentucky State Police or Administrative Office of the Courts. Any request
15 for records under this section shall be on an applicant fingerprint card
16 provided by the Department of Kentucky State Police. The results of the state
17 criminal background check and the results of the national criminal history
18 background check, if requested, shall be sent to the hiring superintendent. Any
19 fee charged by the Department of Kentucky State Police shall be an amount
20 no greater than the actual cost of processing the request and conducting the
21 search.

22 (3) (a) A nonpublic school voluntarily implementing the provisions of this chapter
23 may choose not to employ any person who is a violent offender as defined by
24 KRS 17.165(2), has been convicted of a sex crime which is classified as a
25 felony as defined by KRS 17.165(1), or has committed a violent crime as
26 defined in KRS 17.165(3). A nonpublic school may employ, at its discretion,
27 persons convicted of sex crimes classified as a misdemeanor.

- 1 (b) If a school term has begun and a certified position remains unfilled or if a
2 vacancy occurs during a school term, a nonpublic school implementing the
3 provisions of this chapter may employ an individual who will have
4 supervisory or disciplinary authority over minors on probationary status
5 pending receipt of a criminal history background check.
- 6 (c) Employment at a nonpublic school implementing the provisions of this
7 chapter may be contingent on the receipt of a criminal history background
8 check documenting a record as a violent offender, of a sex crime, or of a
9 violent crime as defined in KRS 17.165.
- 10 (d) Nonpublic schools implementing the provisions of this chapter may terminate
11 probationary employment under this section upon receipt of a criminal history
12 background check documenting a record as a violent offender, of a sex crime,
13 or of a violent crime as defined in KRS 17.165.



Speaker House of Representatives



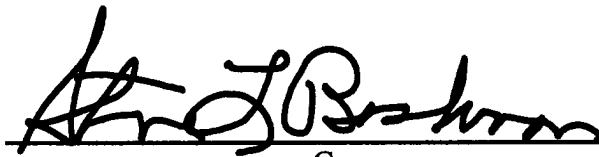
President of Senate

Attest:



Chief Clerk of House of Representatives

Approved



Governor

Date

April 12, 2010